

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DeANDRE HAMILTON,

Petitioner,

v.

CAUSE NO. 3:19-CV-854-DRL-MGG

WARDEN,

Respondent.

OPINION & ORDER

DeAndre Hamilton, a prisoner without a lawyer, filed a habeas corpus petition attempting to challenge the prison disciplinary hearing (ISP 19-07-262) where a Disciplinary Hearing Officer (DHO) found him guilty of Destruction of State Property in violation of Indiana Department of Correction offense B-215 on August 6, 2019. ECF 1. However, he was not punished with either the loss of earned credit time or a demotion in credit class.

A prison disciplinary action can only be challenged in a habeas corpus proceeding when it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Because the duration of his confinement was not lengthened as a result of this prison disciplinary proceeding, this case must be dismissed.

If Mr. Hamilton wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed *in forma pauperis* on appeal because, under 28 U.S.C. § 1915(a)(3), an appeal in this case could not

be taken in good faith. Nevertheless, if he files a notice of appeal, he may ask the United States Court of Appeals for leave to proceed *in forma pauperis* by filing a motion with the circuit court along with a copy of this order demonstrating that he has already been denied leave to proceed *in forma pauperis* here.

For these reasons, the court:

- (1) DENIES the habeas corpus petition pursuant to Section 2254 Habeas Corpus Rule 4;
- (2) DIRECTS the clerk to enter judgment; and
- (3) DENIES the Petitioner leave to proceed *in forma pauperis* on appeal.

SO ORDERED.

August 24, 2020

s/Damon R. Leichty
Judge, United States District Court